

4. **2007SP-065U-10**
Sharondale Drive
Map 117-02, Various Parcels
Map 117-03, Various Parcels
Map 104-14, Parcels 040, 041
Subarea 10 (2005)
Council District 25 - Jim Shulman

A request to change from R10 to SP zoning various properties located along Sharondale Drive between Hillsboro Pike and Woodlawn Drive on Sharon Hill Circle and Sharondale Court (29.44 acres), to limit to 33% the number of duplex units permitted on each street, limit each duplex unit to 6,000 square feet, limit new single-family homes to 4,500 square feet, limit to 30 feet the maximum height of each residential unit, and limit the maximum lot coverage to 40%, requested by Councilmember Jim Shulman, applicant, for various property owners.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST -Preliminary SP

A request to change from One and Two-Family Residential (R10) to Specific Plan (SP) zoning, various properties located along Sharondale Drive between Hillsboro Pike and Woodlawn Drive on Sharon Hill Circle and Sharondale Court (29.44 acres), to limit to 33% the number of duplex units permitted on each street, limit each duplex unit to 6,000 square feet, limit new single-family homes to 4,500 square feet, limit to 30 feet the maximum height of each residential unit, and limit the maximum lot coverage to 40%.

Existing Zoning

R10 District - R10 requires a minimum 10,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

Proposed Zoning

SP District - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a base zoning district, not an overlay. It will be labeled on zoning maps as “SP.”
- The SP District is not subject to the traditional zoning districts’ development standards. Instead, urban design elements are determined for the specific development and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

GREEN HILLS – MIDTOWN COMMUNITY PLAN

Residential Low Medium (RLM) - RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Consistent with Policy? - Yes. The density of the neighborhood sought to be rezoned is currently at 3.8 dwelling units per acre, which is near the high end of the RLM policy. Limits on future to conversions to duplex would be consistent with the RLM policy.

PLAN DETAILS - The purpose of this SP is to:

- limit to 33% the number of duplex units permitted on each street,
- limit each duplex unit to 6,000 square feet,

- limit new single-family homes to 4,500 square feet,
- limit to 30 feet the maximum height of each residential unit, and limit the maximum lot coverage to 40%.

Limit to 33% the number of duplex units permitted on each street. From current property records and site visits, staff has ascertained the current ratio of duplexes in the area by street. The property address as listed in the Property Assessor's data was used to determine which street the property was categorized under. For purposes of the count, the 4 zero-lot line properties were counted as 2 lots.

The results are as follows.

Street	# of lots	#of duplexes	%
Sharondale Drive	45	21	46%
Sharondale Court	25	2	8%
Sharon Hill Circle	9	5	55%
Total	79	28	52%

No new duplexes would be allowed on Sharondale Drive or Sharon Hill Circle. A total of 6 new duplexes could be possible for Sharondale Court.

Limit each duplex unit to 6,000 square feet

Limit new single-family homes to 4,500 square feet

Currently the Zoning Ordinance does not limit the amount of square footage on single or two family lots. In R10, the maximum lot coverage is 40%. Staff would recommend including the 40% maximum lot coverage in addition to the square footage limitations.

Staff has interpreted the 6,000 square foot limit requested in the application for duplex units to mean 6,000 square feet total, or for example 3,000 square feet per side.

Limit to 30 feet the maximum height of each residential unit, and limit the maximum lot coverage to 40%

The current limit in the R10 district is 3 stories and is not measured in feet. Neither the Code nor any applicable building codes enforced in Davidson County limit the height of each "story" of a residential building. The end result is that there is no absolute height limit on single-family and two-family residences.

The Zoning Code does not include any regulations on how the height of a building is to be measured. The Zoning Administrator, who is authorized to interpret provisions in the Zoning Code, has directed Codes Administration inspectors to determine the height of a building by measuring from an average of the four corners of the structure. In addition, the height of a house is measured to the peak of the roof, not the bottom of the eaves or any other portion of the structure.

The proposed 30-foot height limit will have the intended effect of preventing infill development from towering over existing residences, but it may also limit the architectural styles of homes that can be constructed on a specific lot. Staff recommends keeping the 3 story limitation as well as adding the height limit.

Staff Recommendation - The proposed SP will maintain the current status of the existing duplexes, without changing them to non-conforming as a zone change to RS10 would. Additionally, the maximum square footage limitations and height restrictions will require infill development to be more consistent with the existing dwellings in the area.

RECENT REZONINGS - Yes. On April 26, 2007, the Planning Commission disapproved 2007Z-054U-10, which was a request to change from R10 to RS10 along White Oak Drive and Compton Road. That zone change request is currently pending in the Metro Council (BL2007-1427).

PUBLIC WORKS RECOMMENDATION - N/A

STORMWATER RECOMMENDATION- N/A

METRO SCHOOL BOARD REPORT - No additional students would be generated by this request.

CONDITIONS

1. The maximum building coverage on any lot in the SP is 40%.
2. The maximum height for any lot in the SP is 30-feet and 3 stories.
3. Duplexes are limited to a total of 6,000 square feet total (2 units = 6,000 square feet).
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RS10 zoning district effective at the date of the building permit. This zoning district must be shown on the plan.
5. The application, including attached materials, plans and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
6. All Public Works and Stormwater conditions shall be addressed and a revised copy of the preliminary SP shall be submitted to the Planning Commission within 30 days of the Planning Commission' action.
7. All stormwater management requirements and conditions of the Department of Water Services shall be approved prior to approval of the final site plan. Prior to the issuance of any permits, confirmation of compliance with the final approval of this proposal shall be forwarded to the Planning Department by the Stormwater Management division of Water Services.
8. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
9. Subsequent to enactment of this Specific Plan district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owner's signatures, to the Planning Commission staff for review.
10. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
11. Adjustments: Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this

enacting ordinance, or add vehicular access points not currently present or approved.

12. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Ms. Withers presented and stated that staff is recommending approval with conditions.

Mr. Granstaff Dale, 2909 Sharondale Circle, spoke in opposition to the proposed zone change.

Mr. Tom Robinson, 2919 Sharon Hill Circle, spoke in opposition to the proposed zone change.

Ms. Nielson questioned the rights of landowners in relation to the housing type percentages included in this proposed rezoning.

Ms. Withers explained this information to the Commission.

Ms. Nielson acknowledged the uses included in this SP zoning.

Mr. McLean expressed issues with approving this zone change. He mentioned various reasons such as restrictions included in SP zoning, the inability to "opt out" and the allotted time for an owner to rebuild if necessary.

Mr. Bernhardt addressed the concerns expressed by Mr. McLean. He briefly explained the appropriateness of SP zoning for this application.

Mr. McLean reiterated his concern that residents should be allowed to "opt out" of this type of rezoning.

Mr. Clifton acknowledged the creative uses utilized in the zone change request. He requested clarification on the definition of "destroyed" in relation to the Zoning Ordinance and homeowners included in this SP.

Ms. Withers explained this information to the Commission.

Ms. Jones spoke of the flexibility that this zone change request provides to the various homeowners included in the plan. She spoke in favor of its approval.

Mr. Loring spoke in favor of the zone change request. He stated that Councilmember Shulman would address any outstanding issues associated with it.

Ms. Beehan agreed that the request is creative and that it gives protection to homeowners.

Mr. McLean requested clarification on the status of updating the subdivision regulations in relation to SP Zoning.

Mr. Bernhardt explained this information to the Commission.

Ms. Nielson moved and Ms. Jones seconded the motion, which passed unanimously, to approve with conditions, Zone Change 2007SP-065U-10. **(8-0)**

Resolution No. RS2007-148

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-065U-10 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. The maximum building coverage on any lot in the SP is 40%.
2. The maximum height for any lot in the SP is 30-feet and 3 stories.
3. Duplexes are limited to a total of 6,000 square feet total (2 units = 6,000 square feet).
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RS10 zoning district effective at the date of the building permit. This zoning district must be shown on the plan.
5. The application, including attached materials, plans and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
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10. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
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12. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event

prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

The proposed SP plan is consistent with the Green Hills/Midtown Community Plan's Residential Low Medium policy, which calls for residential development with a density between 2 and 4 units per acre."